IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

TUESDAY, THE NINTH DAY OF NOVEMBER

TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR. JUSTICE BILAL NAZKI

AND

THE HON'BLE MR. JUSTICE S. ANANDA REDDY

WRIT PETITION NO : 20351 of 2004

Between:

State of Andhra Pradesh, rep.by its

Deputy Commercial Tax Officer (FAC),

Vuyyuru, Krishna District.

..... PETITIONER

AND

M/s.Spectra Agro Chem Limited, Uppuluru,

Vuyyuru Mandal, Krishna District, (in liquidation),

rep. by Official Liquidator, High Court of A.P.,

Kendriya Sadan, Koti, Hyderabad.

.....RESPONDENT

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the affidavit filed herein the High Court may be pleased to issue a Writ or order or direction more particularly one in the nature of Writ of Mandamus declaring the action of the Official Liquidator in not disposing the; claim petition and releasing the amount due to the petitioner is illegal, arbitrary and without jurisdiction and contrary to Section 16(c) of the APGST Act and consequently declare that the Sales Tax will have the first charge over the properties of the defaulting dealer in the light of Section 16 (c) of the APGST Act and Section 17 of the CST Act and further direct the Official Liquidator to remit the Sales Tax arrears of the respondent-company to the petitioner from the sale proceeds of the properties of

the respondent-company forthwith.

Counsel for the Petitioner: Special Standing Counsel for Commercial Taxes.

Counsel for the Respondent: Mr. Anil Kumar, S.C. for Official Liquidator

The Court at the stage of admission made the following :

THE HON'BLE MR. JUSTICE BILAL NAZKI

AND

THE HON'BLE MR. JUSTICE S. ANANDA REDDY

W.P.No. 20351 of 2004

ORAL ORDER: (Per Hon'ble Mr. Justice Bilal Nazki)

Learned counsel for the petitioner submits that the petitioner has moved an application before the Official Liquidator, which is not being disposed of.

Learned counsel appearing for the Official Liquidator submits that the writ petition is not maintainable, and a company application has to be filed before the Company Court.

In view of the very short controversy and in view of almost an innocuous relief claimed, we do not go into the question of maintainability of the writ petition, and therefore, direct the Official Liquidator to dispose of the application filed by the petitioner in accordance with law within two weeks.

The Writ Petition is accordingly disposed of.

Bilal Nazki, J.

S.Ananda Reddy, J.

Dt. 09.11.2004

Kvh

To

1. The Official Liquidator, High Court of A.P., Kendriya Sadan, Koti, Hyderabad,
2. Two C.Cs. to the Special Standing Counsel for Commercial Taxes, High Court Buildings, Hyderabad. (OUT)
3. Two C.D. copies.

THE HON'BLE MR. JUSTICE BILAL NAZKI

AND

THE HON'BLE MR. JUSTICE S. ANANDA REDDY

W.P.No. 20351 of 2004

ORAL ORDER

(Per Hon'ble Mr. Justice Bilal Nazki)

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